

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 IO-13 ACDA-07 AID-05 CEA-01 COME-00 EB-08
FRB-03 STR-04 TRSE-00 LAB-04 SIL-01 OMB-01 /105 W
-----301149Z 049653 /11

R 301119Z MAR 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 6958
AMEMBASSY MOSCOW
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY PARIS
USMISSION NATO BRUSSELS
USMISSION EC BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 05603

E.O. 11652: GDS
TAGS: PFOR PGOV WB EEC UR US UK FR GW
SUBJECT: BERLIN AND THE EC: RESPONSE TO SOVIET PROTEST
OF NOVEMBER 16, 1976

REFS: (A) BONN 4342; (B) BONN 3884; (C) STATE 50137;
(D) BONN 2447; (E) 76 MOSCOW 18075

BEGIN SUMMARY. ALL BONN GROUP REPS HAVE REPORTED FINAL
AGREEMENT TO THE DRAFT ALLIED REPLY TO THE PROTEST WHICH
THE SOVIETS DELIVERED IN MOSCOW LAST NOVEMBER 16. THIS
TELEGRAM SETS OUT THE FINAL TEXT OF THE REPLY. BONN
GROUP RECOMMENDATIONS ON DELIVERY ARE REPORTED BY
SEPTTEL. END SUMMARY.

1. AT THE MARCH 29 BONN GROUP MEETING, THE FRG REP
(HENZE) REPORTED THAT FOREIGN MINISTER GENSCHER HAD
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APPROVED THE COMPROMISE WORDING FOR PARA F OF THE DRAFT
ALLIED REPLY REPORTED IN REF (A). FRENCH AND US REPS
HAD ALREADY REPORTED APPROVAL OF THAT LANGUAGE, WHICH
WAS BASED ON A BRITISH FALLBACK POSITION.

2. FULL AGREEMENT THUS EXISTS ON THE AD REF TEXT
REPORTED IN REF (D), AS AMENDED IN REFS (A) AND (B),

WITH ONE ADDITIONAL NON-SUBSTANTIVE CHANGE IN THE SECOND SENTENCE OF PARA D. FOR CLARITY, WE REPEAT THE FINAL AGREED TEXT BELOW:

BEGIN TEXT

A. THE GOVERNMENT OF THE UNITED STATES, IN CONSULTATION WITH THE GOVERNMENTS OF FRANCE AND THE UNITED KINGDOM, HAS CAREFULLY CONSIDERED THE STATEMENT OF THE MINISTRY OF FOREIGN AFFAIRS OF THE USSR OF 16 NOVEMBER 1976 AND HAS INSTRUCTED ME TO STATE THE FOLLOWING.

B. THE UNITED STATES GOVERNMENT DOES NOT ACCEPT THE ALLEGATIONS IN THE SOVIET NOTE OF 16 NOVEMBER CONCERNING THE ORIGIN AND EXTENT OF ALLIED RIGHTS AND RESPONSIBILITIES IN BERLIN AND DOES NOT CONSIDER IT NECESSARY TO REITERATE ITS WELL-KNOWN POSITION ON THIS SUBJECT.

C. THE US GOVERNMENT RECALLS THAT, WHEN THE AUTHORITIES OF THE THREE POWERS APPROVED THE EXTENSION TO THE WESTERN SECTORS OF BERLIN OF THE TREATY OF 1957 AND OF OTHER EUROPEAN COMMUNITY CONSTITUTIVE TREATIES, THE ALLIED KOMMANDATURA, IN CONFORMITY WITH THE ESTABLISHED PROCEDURES, TOOK THE NECESSARY STEPS TO ENSURE THAT THEIR APPLICATION IN THE WESTERN SECTORS OF BERLIN DID NOT AFFECT ALLIED RIGHTS AND RESPONSIBILITIES, INCLUDING THOSE WHICH CONCERN MATTERS OF SECURITY
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AND STATUS. THE APPLICATION OF THESE TREATIES IN THE WESTERN SECTORS OF BERLIN UNDER THESE CONDITIONS IS IN NO WAY INCOMPATIBLE WITH THE STATUS OF BERLIN AND IT IS ERRONEOUS TO DESCRIBE IT AS ILLEGAL. THEREFORE, THE QUESTION OF WHETHER THE QUADRIPARTITE AGREEMENT RETROACTIVELY SANCTIONED THE EXTENSION OF THESE TREATIES TO THE WESTERN SECTORS OF BERLIN DOES NOT ARISE.

D. TO THE EXTENT THAT THE SOVIET STATEMENT CONCERNS THE PROPOSED EXTENSION TO THE WESTERN SECTORS OF BERLIN OF THE COUNCIL ACT OF 20 SEPTEMBER 1976 CONCERNING THE ELECTION OF REPRESENTATIVES OF THE EUROPEAN ASSEMBLY BY DIRECT UNIVERSAL SUFFRAGE, THE US GOVERNMENT RECALLS AND CONFIRMS THE TERMS OF ITS COMMUNICATION OF 20 SEPTEMBER 1976. THE GOVERNMENTS OF FRANCE, THE UNITED STATES AND THE UNITED KINGDOM HAVE GIVEN THEIR AGREEMENT TO THE EXTENSION TO BERLIN OF THE COUNCIL ACT OF 20 SEPTEMBER 1976; THEY HAVE TAKEN THE

NECESSARY MEASURES, DESCRIBED IN THEIR STATEMENT OF
20 SEPTEMBER 1976, TO ENSURE THAT THE PROVISIONS OF THAT
ACT AS APPLIED IN THE WESTERN SECTORS OF BERLIN ARE

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FRB-03 STR-04 TRSE-00 LAB-04 SIL-01 OMB-01 /105 W
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C O N F I D E N T I A L SECTION 02 OF 02 BONN 05603

FULLY CONSISTENT WITH ALLIED RIGHTS AND RESPONSIBILI-
TIES. THEY CONFIRM THAT THE CONTINUED PARTICIPATION OF
REPRESENTATIVES FROM BERLIN IN THE EUROPEAN ASSEMBLY
CANNOT, IN SUCH CIRCUMSTANCES, CONSTITUTE A VIOLATION OF
THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971.

E. THE WESTERN SECTORS OF BERLIN WILL CONTINUE TO
BE INCLUDED IN THE AREA OF APPLICATION OF THE
CONSTITUTIVE TREATIES OF THE EUROPEAN COMMUNITY INsofar
AS THIS IS COMPATIBLE WITH ALLIED RIGHTS AND RESPON-
SIBILITIES. SUCH INCLUSION CANNOT AND WILL NOT HAVE THE
EFFECT OF CONFERRING ON THE EUROPEAN COMMUNITY

ANY PART OF THE SUPREME AUTHORITY EXERCISED BY THE
THREE POWERS IN THE WESTERN SECTORS OF BERLIN. SUCH
INCLUSION CONTRIBUTES TO THE MAINTENANCE AND DEVELOPMENT
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OF THE TIES BETWEEN THE WESTERN SECTORS OF BERLIN AND THE
FEDERAL REPUBLIC OF GERMANY, AS CONFIRMED IN THE
QUADRIPARTITE AGREEMENT, AND DOES NOT CIRCUMVENT THE
SECOND PART OF THE RELEVANT PROVISION OF THE QUADRI-
PARTITE AGREEMENT THAT THESE SECTORS CONTINUE NOT TO BE
A CONSTITUENT PART OF THE FEDERAL REPUBLIC OF GERMANY
AND NOT TO BE GOVERNED BY IT.

F. THE US GOVERNMENT CONSIDERS IT UNNECESSARY
TO COMMENT ON HYPOTHESES CONCERNING THE BUILDING OF A
EUROPEAN UNION. EUROPEAN COMMUNITY DEVELOPMENTS WILL
CONTINUE TO BE REVIEWED BY THE THREE POWERS IN THE
EXERCISE OF THEIR SUPREME AUTHORITY, IN ORDER TO ENSURE
THAT NO SUCH DEVELOPMENT AFFECTS ALLIED RIGHTS AND
RESPONSIBILITIES, INCLUDING THOSE WHICH CONCERN MATTERS
OF SECURITY AND STATUS.

G. IN THESE CIRCUMSTANCES, THE GOVERNMENT OF THE
US MUST REJECT AS TOTALLY UNWARRANTED THE REFERENCE
TO PROTECTIVE ACTIONS CONTAINED IN THE SOVIET STATEMENT.

END TEXT.

3. BONN GROUP RECOMMENDATIONS ON DELIVERY OF THE REPLY
FOLLOW BY SEPTTEL.
STOESSEL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, DEMARCHE, BERLIN QUADRIpartite MATTERS, DIPLOMATIC PROTESTS, STATUS OF BERLIN, DIPLOMATIC REPRESENTATIONS, CENTRAL LEGISLATURE
Control Number: n/a
Copy: SINGLE
Sent Date: 30-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Original Handling Restrictions: n/a
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Original Previous Handling Restrictions: n/a
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